



Federal Communications Commission
Washington, D.C. 20554

DA 08-1155

May 15, 2008

Peter Gutman, Esq.
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1401 I Street, NW
Seventh Floor
Washington, DC 20005

Re: Call Sign E080087
File No. SES-LIC-20080424-00486

Dear Mr. Gutman:

On April 24, 2008, Nippon Television Network Corporation (Nippon Television) filed the above-captioned application seeking authority to operate a temporary-fixed Ku-band¹ earth station. For the reason discussed below, we dismiss the application as defective, without prejudice to refiling.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Nippon Television's application is incomplete, which renders it unacceptable and subject to dismissal. The deficiency is as follows:

Question 28 of Form 312 indicates that a radiation hazard study must accompany as an exhibit all applications seeking major modifications such as the one proposed.² However, Nippon Television's application did not include this required exhibit.

While we dismiss the application on the above basis, we also request the following information in any refiling. In response to Question E15 of Schedule B, Nippon Television answered that its 0.66 meter antenna complies with the antenna gain patterns specified in Section 25.209(a) and (b) of the Commission's rules, 47 C.F.R. §25.209(a) and (b). Pursuant to Section 25.132(a)(1) of the Commission's rules, we request Nippon Television to demonstrate these measurements by submitting the antenna gain patterns for the 0.66 meter antenna.

¹ In response to item E43/E44 of Schedule B, Nippon Television lists 14.0-14.5 MHz as the frequencies it seeks to operate. Based on other information filed in the application, we assume that it seeks to operate in the 14.0-14.5 GHz band.

² See 47 C.F.R. § 1.1307(b).

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. §25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. §0.261, we dismiss Nippon Television's application, without prejudice to refile.³

Sincerely,

Scott A. Kotler
Chief, Systems Analysis Branch
Satellite Division
International Bureau

³ If Nippon Television refiles an application in which the deficiency identified in this letter has been corrected but is otherwise identical to the one dismissed, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).